

75 (New) The method of claim 71 wherein the content is stored on the first computer system and the selection of the advertisement to be displayed in conjunction with displaying the content is provided by the first computer system.

REMARKS / ARGUMENTS

Original claims 1 - 26 and 29 - 62 had been canceled (see preliminary amendment in the parent case) pursuant to the restriction requirement in the parent application. New claims 63-75, which, as discussed subsequently, are fully supported by the original specification, have been added. New claims, which relate to on-line advertising, conform to the subject matter of Group 3 of the restriction requirement and, thus, are properly presented in this application.

This application is a divisional of 09/329,143 filed 06/09/1999. The preliminary amendment filed with this application is enclosed herewith. As clear from the preliminary amendment, this divisional selected Group 3 identified in the restriction requirement in the parent application. Since this divisional application is identical to and claims priority to the serial number 09/329,143 filed 06/09/1999, the pending original claims 27 and 28 are at the very least entitled to the filing date of the 09/329,143 application, which is 06/09/1999.

In section 2 of the Office Action, Examiner states that serial number 09/329,143 does not provide support for this application. Yet the Examiner did not point out a single difference with this application. In fact, there are no differences at all. The specifications of both applications are identical. A photo copy of the 09/329,143 application with formal drawings was filed for this divisional application. Thus, there is no doubt that the original claims are, at the very least, entitled to the 06/09/1999 date.

It should be noted that the 09/329,143 application is a continuation-in-part of serial number 09/294,761 which has an effective filing date of 04/04/1997. Consequently, some

of the claims presented herein have filing date of 04/04/1997. The PTO website properly lists the "Continuity Data" for the present application (copy enclosed).

The effective filing dates for the claims presented in this application are at least as follows:

Original claims 27 and 28 – at least 06/09/1999 as explained above.

New claims 63 – 70 – at least 06/09/1999. The support for these claims can be found at least in Fig. 19 and paragraph 71 of the publication of this application US 2004/0230495 A1. As noted the present application is entitled to at least the 06/09/1999 filing date.

New claims 71–75 – at least 04/04/1997. The support for these claims can be found at least in paragraphs: 9, 57, 62, 65, 66, 70, 84, 86, 105 and the associated drawings of the publication of this application US 2004/0230495 A1. Further, the same support is found in USP 6,178,407 entitled to the 04/04/1997 filing date. Specifically the support is provided in the USP 6,178,407 at least in the paragraphs beginning at col. 2 line 13, col. 7 line 45, col. 9 line 22, col. 9 line 46, col. 9 line 66, col. 10 line 46, col. 14 line 8, col. 14 line 41, col. 19 line 37 and the associated drawings.

Rejection under section 112 and objections.

While Applicants disagree with the indefiniteness rejections under section 112, claim 28 has been amended to eliminate the grounds for this rejection.

Obviousness rejection under section 103.

Applicants disagree with the grounds and reasoning of this rejection, including the use of unsubstantiated official notices. However there is no reason to discuss the reasoning for this rejection since it is not based on prior art.

The primary reference used for this section 103 rejection is the Morton reference. The date of this reference, as pointed out by the Examiner, is March 8, 2000. As explained above, claims 27 and 28 are unambiguously entitled to the 06/09/1999 filing date, which predates the Morton reference. Accordingly the Morton reference is not prior art to the present application and pending claims 27 and 28 are not obvious. Accordingly, claims 27 and 28 are patentable.

Applicants specifically point out that the official notices in the Office Action, provided without any documentary support, are improper and Applicants object to such official notices. As noted in the MPEP 2144.03, "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." In this Office Action, the official notices cite the facts that are not of common knowledge capable of instant and unquestionable demonstration.

In conclusion, since all the claims are patentable, Applicants respectfully request a timely notice of allowance be issued in this case.

Respectfully submitted,

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